

REMARKS

Claims 1 and 4-36 are pending in the present application. In the Final Office Action mailed June 15, 2007, the Examiner rejected claims 1-32 under 35 U.S.C. §103(a) as being unpatentable over Jaszcak et al. (USP 6,629,469) in view of Carey et al. (USP 5,052,934). The Examiner next rejected claims 34-36 under 35 U.S.C. §103(a) as being unpatentable over Jaszcak et al. in view of Carey et al. further in view of Jiang (USP 6,498,828).

In response to Applicant's arguments filed March 30, 2007, the Examiner stated that "Applicant argues that the Rule 131 affidavit filed May 23, 2005 overcomes the Jaszcak et al reference." *Office Action*, 6/15/07, pg. 2. The Examiner further stated that "the Rule 131 affidavit does not over comes [sic] the June 5, 2000 priority date and hence the rejection still stands and is made Final." *Id.*

First, in the response filed March 30, 2007, Applicant explained that the Rule 131 affidavit overcame the filing date of Jaszcak et al., USP 6,629,469, and that, therefore, the disclosure relied on by the Examiner has been disqualified. Applicant agrees that the Rule 131 does not overcome the June 5, 2000 date of the provisional; however, the Examiner is relying on disclosure material in Jaszcak et al., USP 6,629,469, that is not supported by its provisional. Accordingly, such relied on disclosure material does not benefit from the filing date of the provisional and has been overcome via the Rule 131 affidavit. The Examiner must find support in the provisional for disclosure relied on in the non-provisional to reject the claims.

Second, the provisional fails to anticipate that called for in the claims. Nowhere in the provisional does Jaszcak et al. disclosed a plurality of protrusions connected to a shell has relied on by the Examiner.

Neither Jaszcak et al., Carey et al., Jiang, nor the combination thereof teaches or suggests that called for in claims 1 and 4-36.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1 and 4-36.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

/Kent L. Baker/

Kent L. Baker
Registration No. 52,584
Phone 262-268-8100 ext. 12
klb@zpspatents.com

Dated: August 10, 2007
Attorney Docket No.: GEMS8081.096

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100

General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 07-0845.

/Timothy J. Ziolkowski/

Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial 262-268-8181
tjz@zpspatents.com

Dated: August 10, 2007
Attorney Docket No.: GEMS8081.096

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100